

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 11-54556

PAMELA L. BROCK,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING, AS UNNECESSARY, DEBTOR'S MOTION FOR ORDER
APPROVING SALE OF REAL PROPERTY**

This case is before the Court on Debtor's motion entitled "Motion to Sell Property Free and Clear of Liens," filed on October 9, 2014. (Docket # 82, the "Motion"). The Motion seeks an order approving the sale of certain real property owned by the Debtor and her spouse, free and clear of any liens. On October 28, 2014, Debtor filed a certification of non-response, indicating that no one timely objected to the Motion.

After the Debtor filed a certificate of no-response, on October 28, 2014, the Court entered an order requiring Debtor to file a supplement to the Motion (Docket # 91), which stated, in part:

IT IS ORDERED that no later than November 5, 2014, Debtor must file a supplement to the Motion, explaining (1) why the Debtor contends that she needs this Court's approval of the sale in question, in order to sell the property referred to in the Motion; and (2) why the Debtor contends that the Court has the authority to approve a sale of the property referred to in the Motion free and clear of liens.

On October 30, 2014, Debtor filed her supplement to the Motion (Docket # 92), which states, in part: "Debtor, through her attorney, agrees with the Court's recitation of the law in the Order Dated October 28, 2014." The supplement then says that Debtor filed the Motion because "the title company that is administering the closing on the property refuses to move forward with the sale without an Order from the Bankruptcy Court on the sale of the property."

Having reviewed the Debtor's supplement in its entirety, the Court concludes that the Motion is unnecessary, because under the terms of Debtor's confirmed Chapter 13 plan, all property of the bankruptcy estate vested in the Debtor and her spouse (who was then still a joint debtor in this Chapter 13 case) on August 31, 2011, the date of entry of the order confirming

plan.¹ *See also* 11 U.S.C. § 1327(b).

The Court concludes further this Court has no authority to approve (or disapprove) a sale of the Debtor's property, because it is no longer property of the bankruptcy estate.

For these reasons,

IT IS ORDERED that the Motion (Docket # 82) is denied, as unnecessary.

Signed on November 03, 2014

/s/ **Thomas J. Tucker**

Thomas J. Tucker

United States Bankruptcy Judge

¹ *See* First Amended Plan (Docket # 17) at 4, Section II.B; Order Confirming Plan (Docket # 26.) On May 23, 2011, Debtor filed a joint voluntary petition for relief under Chapter 13 with her spouse, Anthony Brock. On June 7, 2011, the Debtors filed their First Amended Plan. On August 31, 2011, the Court entered an order confirming the Debtors' First Amended Plan. On November 1, 2012, the Court entered an order severing the joint bankruptcy case. (Docket # 47). Debtor's spouse was give a new case number (Case No. 12-64311). Debtor's spouse converted his case to Chapter 7. Later, Debtor's spouse was denied a discharge, and his Chapter 7 case was dismissed.

Debtor's spouse later filed a new Chapter 7 case, on April 18, 2013 (Case No. 13-47935). In that case, Debtor's spouse obtained a discharge. That case was closed on August 15, 2014, after the Chapter 7 Trustee filed a no-distribution report on July 15, 2014.